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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,839	02/23/2004	Antonio Turatti	2520-1043	5541

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EXAMINER
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RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

10/782,839

Applicant(s)

TURATTI, ANTONIO

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-23 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the in that said suction hood comprises a belt for collecting impurities, said belt having holes with sizes lower than the sizes of the holes of said at least a collection belt, in that said impurity collection belt slides inside and parallel with respect to said at least a collection belt, allowing filtering impurities present in said leaves and other products, that said impurity collection belt places said impurities within a container must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lenhart (4560060). Lenhart shows Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (54, fig. 3), at least a suction hood having a surface provided with holes for passage of air flow (52, fig. 3), an air suction device coupled with said hood (57, fig. 1), and dragging means for said at least collection belt (62, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 3), said suction device generating an air flow both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt, allowing the coupling on said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 3), that said conveyor provides a slidable belt to carry said leaves and other products close to said at least a collection belt (fig. 3), said slidable belt is provided under said at least a collection belt (fig. 3), that said slidable belt is provided on a support structure (fig. 1, fig. 14), said air suction device is comprised of a fan (fig. 1).

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Claims 1, 5, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarovich. Sarovich shows Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (37, fig. 1), at least a suction hood having a surface provided with holes for passage of air flow (59, fig. 12), an air suction device coupled with said hood (89, fig. 10), and dragging means for said at least collection belt (78, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 8), said suction device generating an air flow both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt, allowing the coupling on said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 15, fig. 17), the perforated surface of said suction hood is a curved surface (fig. 1), said conveyor provides means for washing said leaves and other products (33, fig. 15), said means for washing said leaves and other products are provided above and/or under said at least a collection belt (fig. 15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart. Lenhart discloses Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (54, fig. 3), at least a suction

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hood having a surface provided with holes for passage of air flow (52, fig. 3), an air suction device coupled with said hood (57, fig. 1), and dragging means for said at least collection belt (62, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 3), said suction device generating an air flow both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt, allowing the coupling on said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 3). Lenhart discloses applicant's invention substantially as claimed with the exception of the perforated surface of said suction hood is a curved surface. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the perforated surface of said suction hood is a curved surface because applicant has not disclosed that the shape provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the shape of Lenhart or the claimed shape because both shapes perform the same function of transportation equally well.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarovich in view of Brink. Sarovich discloses Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (37, fig. 1), at least a suction hood having a surface provided with holes for passage of air flow (59, fig. 12), an air suction device coupled with said hood (89, fig. 10), and dragging means for said at least collection belt (78, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 8), said suction device generating an air flow

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both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt , allowing the coupling on said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 15, fig. 17). Sarovich discloses applicant's invention substantially as claimed with the exception of that said conveyor comprises a space for collecting water used for washing said leaves and other products. Brink teaches that said conveyor comprises a space for collecting water used for washing said leaves and other products (108, fig. 4) for the purpose of cleaning the water. It would have been obvious to one of ordinary skill in the art to modify Sarovich by including that said conveyor comprises a space for collecting water used for washing said leaves and other products as taught by Brinks for the purpose of cleaning the water so that water usage can be reduced and operating costs reduced.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarovich in view of Peters. Sarovich discloses Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (37, fig. 1), at least a suction hood having a surface provided with holes for passage of air flow (59, fig. 12), an air suction device coupled with said hood (89, fig. 10), and dragging means for said at least collection belt (78, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 8), said suction device generating an air flow both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt , allowing the coupling on said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 15, fig. 17). Sarovich discloses applicant's invention substantially as claimed with the

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exception of said conveyor comprises means for drying said leaves and other products, characterized in that said means for drying said leaves and other products are provided on said at least a collection belt, in that said drying means comprises an air suction device. Peeters teaches said conveyor comprises means for drying said leaves and other products (fig. 1, abstract), characterized in that said means for drying said leaves and other products are provided on said at least a collection belt (12, fig. 1), in that said drying means comprises an air suction device for the purpose of cleaning the water (14, fig. 1) for the purpose of removing water. It would have been obvious to one of ordinary skill in the art to modify Sarovich by including said conveyor comprises means for drying said leaves and other products, characterized in that said means for drying said leaves and other products are provided on said at least a collection belt, in that said drying means comprises an air suction device as taught by Peeters for the purpose of removing water so that the items that in the process items are not displaced on the conveyor and additionally so that the items will dry at a faster rate thus increasing production.

Claim 15, 16, 18, 19, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenhart in view of Asfour. Lenhart discloses Conveyor of leaves and other products on a belt for laying the same products as a single layer, characterized in that it comprises at least a perforated collection belt (54, fig. 3), at least a suction hood having a surface provided with holes for passage of air flow (52, fig. 3), an air suction device coupled with said hood (57, fig. 1), and dragging means for said at least collection belt (62, fig. 1), said collection belt sliding by said dragging means along said perforated surface of said suction hood (fig. 3), said suction device generating an air flow both through said holes of said surface of said at least a suction cap, and through said holes of said at least a collection belt , allowing the coupling on



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said at least collection belt of single layer of said leaves and other products due to their passage close to said at least a collection belt (fig. 3), in that said air suction device is comprised of a pump (col. 4, line 9). Lenhart discloses applicant's invention substantially as claimed with the exception of said conveyor comprises a first and a second collection belt section, said first and a second collection belt section are superimposed in such a way that said first collection belt section couples with a first side of said leaves and other products, and said second collection belt section couples with the other side of said leaves and other products, that said two conveyor belts are provided vertically, in that said conveyor comprises a space for collection of said leaves and other products taken from said collection belt, comprises means for vibrating said collection belts and/or conveyor belts to more uniformly laying said leaves and other products on said collection belts and/or conveyor belts leaves and other products, that said leaves and other products collected by said collection belt are brought again close said at last a collection belt. Asfour teaches said conveyor comprises a first and a second collection belt section, said first and a second collection belt section are superimposed in such a way that said first collection belt section couples with a first side of said leaves and other products, and said second collection belt section couples with the other side of said leaves and other products (fig. 6), that said two conveyor belts are provided vertically, in that said conveyor comprises a space for collection of said leaves and other products taken from said collection belt (92, 93, fig. 6), comprises means for vibrating said collection belts and/or conveyor belts to more uniformly laying said leaves and other products on said collection belts and/or conveyor belts leaves and other products (col. 2, lines 54-59), that said leaves and other products collected by said collection belt are brought again close said at last a collection belt (fig. 6) for the purpose of sorting product. It would have

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been obvious to one of ordinary skill in the art to modify Lenhart by including said conveyor comprises a first and a second collection belt section, said first and a second collection belt section are superimposed in such a way that said first collection belt section couples with a first side of said leaves and other products, and said second collection belt section couples with the other side of said leaves and other products, that said two conveyor belts are provided vertically, in that said conveyor comprises a space for collection of said leaves and other products taken from said collection belt, comprises means for vibrating said collection belts and/or conveyor belts to more uniformly laying said leaves and other products on said collection belts and/or conveyor belts leaves and other products, that said leaves and other products collected by said collection belt are brought again close said at last a collection belt as taught by Asfour for the purpose of sorting product so that defective product can be removed.

#### ***Allowable Subject Matter***

Claims 6-8, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to separators in general: Pfister (2664197).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr

  
KENNETH RINEHART  
PRIMARY EXAMINER